

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

4-SUBSTITUTED 7-AZA-INDOLIN-2-ONES AND THEIR USE AS PROTEIN KINASE INHIBITORS(Attorney Docket No. 038602/1053)

the specification of which (check one)

       is attached hereto.

  X   was filed on 12/21/2000 as United States Application Number or PCT International Application Number 09/741,737.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or

Docket No. 038602/1053

inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/171,288	December 21, 1999

I HEREBY CLAIM the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER and the following additional attorneys: H. Thomas Anderton, Jr., Reg. No. 40,895; to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

STEPHEN A. BENT	Reg. No. 29,768
DAVID A. BLUMENTHAL	Reg. No. 26,257
BETH A. BURROUS	Reg. No. 35,087
ALAN I. CANTOR	Reg. No. 28,163
WILLIAM T. ELLIS	Reg. No. 26,874
JOHN J. FELDHAUS	Reg. No. 28,822
MICHAEL D. KAMINSKI	Reg. No. 32,904
LYLE K. KIMMS	Reg. No. 34,079
KENNETH E. KROSH	Reg. No. 25,735
JOHNNY A. KUMAR	Reg. No. 34,649

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PETER G. MACK	Reg. No. 26,001
STEPHEN B. MAEBIUS	Reg. No. 35,264
BRIAN J. MC NAMARA	Reg. No. 32,789
SYBIL MELOY	Reg. No. 22,749
RICHARD C. PEET	Reg. No. 35,792
GEORGE E. QUILLIN	Reg. No. 32,792
ANDREW E. RAWLINS	R g. No. 34,702
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CHARLES F. SCHILL	Reg. No. 27,590
RICHARD L. SCHWAAB	Reg. No. 25,479
ARTHUR SCHWARTZ	Reg. No. 22,115
MICHELE SIMKIN	Reg. No. 34,717
HAROLD C. WEGNER	Reg. No. 25,258

And Leslie Mool, Reg No. 37,047, and Rekha Bansal, Reg. No. 36,440 of Sugen, Inc., to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Beth A. Burrous, Esq.  
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Fax: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead are being appointed to prosecute this patent application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Congxin LIANG
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Date	7/26/01

Jul-14-03

09:30

From-AGOURON

858-678-8233

T-214 P.005/007 F-595

nty. Dkt. No. 038602-1053

Name of second inventor

LI SUN

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Date

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Name of third inventor

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Name of fifth inventor

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Date

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Name of sixth inventor

Klaus Peter HIRTH

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San Francisco, CA

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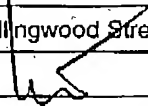
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Inventor's signature

Date

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Inventor's signature	
Date	
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Date	
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09:31

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858-678-8233

T-214 P.007/007 F-595

Atty. Dkt. No. 038602-1053

Name of seventh inventor

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Residence

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Citizenship

China

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Inventor's signature

*Jingrong Cui*

Date

*July 3, 2001*



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

OCTOBER 22, 2001

PTAS

FOLEY & LARDNER  
BETH A. BURROUS  
3000 K STREET, NW, SUITE 500  
WASHINGTON HARBOUR  
WASHINGTON, DC 20007-5109



\*101818156A\*

BAB  
38602/1053

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/16/2001

REEL/FRAME: 012079/0155  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
LIANG, CONGXIN

DOC DATE: 07/26/2001

ASSIGNOR:  
SUN, LI

DOC DATE: 07/05/2001

ASSIGNOR:  
WEI, CHUNG CHEN

DOC DATE: 07/05/2001

ASSIGNOR:  
TANG, PENG CHO

DOC DATE: 07/09/2001

ASSIGNOR:  
MCMAHON, GERALD

DOC DATE: 07/10/2001

ASSIGNOR:  
HIRTH, KLAUS P.

DOC DATE: 07/04/2001

ASSIGNOR:  
CUI, JINGRONG

DOC DATE: 07/03/2001

012079/0155 PAGE 2

ASSIGNEE:

SUGEN, INC.  
230 EAST GRAND AVENUE  
SOUTH SAN FRANCISCO, CALIFORNIA

94080-4811

SERIAL NUMBER: 09741737  
PATENT NUMBER:

FILING DATE: 12/21/2000  
ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



012079/0155 PAGE 2

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ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



FORM PTO-1595 (modified)

(Rev. 8-93)

RECOR

08-21-2001



U.S. DEPARTMENT OF COMMERCE

ET

Patent and Trademark Office

To the Director of the United States Patent and

101818156

.hed original documents or copies thereof.

## 1. Name of conveying party(ies):

Congxin Liang - Executed 7-26-01  
 Li Sun - Executed 7-05-01  
 Chung Chen Wei - Executed 7-05-01  
 Peng Cho Tang - Executed 7-09-01  
 Gerald McMahon - Executed 7-10-01  
 Klaus P. Hirth - Executed 7-04-01  
 Jingrong Cui - Executed 7-03-01

Additional conveying party(ies)

## 2. Name and address of receiving party(ies):

SUGEN, Inc.  
 230 East Grand Avenue  
 South San Francisco, CA 94080-4811

## 3. Nature of conveyance:

ASSIGNMENT

Execution Date:

Same as above.

Additional name(s) &amp; address(es) attached? NO

## 4. Application number(s) or patent number(s):

If this is being filed together with a new application, the execution date of the application is:

A. Patent Application Number(s):

09/741,737

B. Patent Number(s):

Additional numbers attached? NO

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Beth A. Burrous  
 FOLEY & LARDNER  
 Washington Harbour  
 3000 K Street, N.W., Suite 500  
 Washington, D.C. 20007-5109

## 6. Total number of applications/patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

☒ Check Enclosed

Charge to deposit account

8. Deposit account number: 19-0741

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## 9. Statement and signature:

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.*

Beth A. Burrous

*Michael D. Kammerer*  
 Reg. No. 32,904

August 16, 2001

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 4

08/20/2001 LMUELLER 00000237 09741737

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Serial No. 09/741,737

Attorney Docket No. 038602/1053

**ASSIGNMENT - WORLDWIDE**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

SUGEN, INC.  
230 East Grand Avenue  
South San Francisco, CA 94080-4811

its successors and assigns, the entire right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

**4-SUBSTITUTED 7-AZA-INDOLIN-2-ONES AND THEIR USE AS PROTEIN KINASE INHIBITORS**

as set forth in this United States Patent Application

\_\_\_\_ executed concurrently herewith  
\_\_\_\_ executed on \_\_\_\_\_  
X Serial No. 09/741,737 filed December 21, 2000

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to ensure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify in any proceedings relating to said inventions, patent applications and Letters Patent.

Serial No. 09/741,737

Attorney Docket No. 038602/1053

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Congxin LIANG	Signature: <i>Congxin Liang</i>	Date: 7/26/01
Name: LI SUN	Signature: <i>Li Sun</i>	Date: 7-5-01
Name: Chung Chen WEI	Signature: <i>Chung Chen Wei</i>	Date: 7-5-01
Name: Peng Cho TANG	Signature: <i>Peng Cho Tang</i>	Date: 7-9-01
Name: Gerald McMAHON	Signature: <i>Gerald McMahon</i>	Date: 7-10-01
Name: Klaus Peter HIRTH	Signature:	Date:
Name: Jingrong CUI	Signature: <i>Jingrong Cui</i>	Date: 7/3/01
NAMES AND SIGNATURES OF WITNESSES		
Name: <i>Holly Gregorio</i>	Signature: <i>Holly Gregorio</i>	Date: 7/26/01
Name: <i>Holly Gregorio</i>	Signature: <i>Holly Gregorio</i>	Date: 7/5/01
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Name: <i>Jadyn Licinio</i>	Signature: <i>Jadyn Licinio</i>	Date: 7/10/01
Name:	Signature:	Date:
Name: <i>Holly Gregorio</i>	Signature: <i>Holly Gregorio</i>	Date: 7/3/01


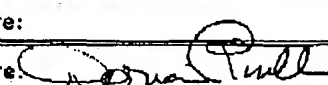
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IPT-407:4/90(1)(modified)

Serial No. 09/741,737

Attorney Docket No. 038602/1053

The undersigned her by grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Congxin LIANG	Signature:	Date:
Name: LI SUN	Signature:	Date:
Name: Chung Chen WEI	Signature:	Date:
Name: Peng Cho TANG	Signature:	Date:
Name: Gerald McMAHON	Signature:	Date:
Name: Klaus Peter HIRTH	Signature: 	Date: 7/4/01
Name: Jingrong CUI	Signature:	Date:
NAMES AND SIGNATURES OF WITNESSES		
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:
Name: DORIAN PINELLA	Signature: 	Date: 7/4/01
Name:	Signature:	Date:

*Note: Prima facie evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.*

IPT-407:4/90(1)(modified)